THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No. 1143 of 2005

25-10-2005

Between:

M/s.Indian Granites, Martur, Prakasam District, rep. by

Its Managing Partner & Another.

.....APPELLANTS

AND

The Regional Provident Fund Commissioner, EPF Organization, Guntur & Another.

.....RESPONDENTS

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No. 1143 of 2005

JUDGMENT : (Per Hon'ble Sri Bilal Nazki, ACJ)

This is an appeal filed against the order of learned Single Judge passed in writ petition No.6138 of 2005. In the writ petition, the petitioners-appellants challenged the order, dated 19.01.2005, passed by the 2nd respondent and also the consequential notice dated 11.03.2005. The 2nd respondent had come to the conclusion that the 1st petitioner-employer had failed to deposit the Provident Fund of its employees, and consequentially passed an order and issued a notice. The learned Single Judge found that this order is an appealable order under Section 7-1 of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and therefore, dismissed the writ petition.

We have no reason to disagree with the finding of the learned Single Judge, particularly in view of the fact that the order passed by the authority, was passed on the contentions of the employer himself in his letter dated 15.12.2004. The writ petition as well as the writ appeal are misconceived and are accordingly dismissed.

The learned Single Judge had granted time to the petitioners-appellants to file an appeal before the appellate authority. Instead, they chose to come to this Court to file this writ appeal. The time granted is already expired.

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(BILAL NAZKI, ACJ)

25th October 2005.

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(R.SUBHASH REDDY, J)

ajr